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DAVIDSON, DAVIDSON & KAPPEL, LLC			LOPEZ, FRANK D	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/520,212

Filing Date: November 04, 2005

Appellant(s): WEBER ET AL.

William Gehris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 28, 2007 appealing from
the Office action mailed April 23, 2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

3,552,886	Olsen	1/1971
2002/0039531	Morita et al	4/2002
6,647,722	Schorr et al	11/2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Olsen or Morita et al in view of Schorrer et al, as stated in the final rejection of April 23, 2007.

(10) Response to Argument

Appellant argues that it would not be obvious to modify Morita et al or Olsen with Schorrer et al, since "Morita et al discloses generic teeth. It is clear to one skilled in the art that Morita is speaking of conventional teeth and not specifically saw teeth. Furthermore, Morita et al. asks for "increasing a height (depth) of a thread, to increase joint strength," but specifically does not teach changing a shape of the teeth. This teaches away from using saw teeth to strengthen a joint, since increasing height does not result in saw teeth. With saw teeth, no height need to be changed".

The Examiner agrees with only a small portion of Appellant's assertions. Morita et al does not specify the shape of the teeth, only that the joint can be strengthened by increasing the height of the thread. Since Morita et al does not specify the teeth shape, it can't teach away from a particular shape. Furthermore, this need for increasing the height connects with the teaching of Schorrer et al, that sawtooth threads can have a greater height (depth) than conventional trapezoidal threads (column 3 line 65-column 4 line 2). Therefore, it would have been obvious to one of ordinary skill to combine Schorrer et al with Morita et al, so as to be able to increase the thread height, to strengthen the joint.

Appellant's statement that "With saw teeth, no height need to be changed" is confusing. One of ordinary skill in this art would recognize that the teeth size (specifically the teeth height) determines the strength of the joint, and would know how to size the teeth according to the strength needs of the joint. Different joints would need different strengths, and therefore, different heights. This is true of saw teeth, as well as other teeth. The statement that "With saw teeth, no height need to be changed" appears to ignore the basic need to set the height for each application.

Appellant concludes that it would not be obvious to modify Morita et al or Olsen with Schorrer et al. But Appellant only discusses why Morita et al teaches away from saw teeth. There is no discussion of the teaching of Schorrer et al, or why Schorrer et al can't be combined with Olsen, and therefore it would appear that this combination stands.

Appellant argues that this invention solves the long felt problem of increased joint strength in compressors by using saw teeth; and submits "objective evidence" of saw teeth thread patents (2,424,738, 3,450,298) and a compressor patent (3,552,886).

It is unclear whether the long felt need is for increased joint strength in compressors, or for saw teeth threads in compressors. The first "long felt need" is met by Morita et al, which teaches how to increase the joint strength; and therefore, this need is not "long felt" as of Morita et al. The second "long felt need" is a contradiction. Any engineer, feeling a "need" to place saw teeth threads in a compressor, would just

do it, since they would know how to. Therefore, this second "long felt need" can't be "long felt".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/F. Daniel Lopez/

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